

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP

Charles K. Verhoeven (Bar No. 170151)

2 charlesverhoeven@quinnemanuel.com

David A. Perlson (Bar No. 209502)

3 davidperlson@quinnemanuel.com

Melissa Baily (Bar No. 237649)

4 melissabaily@quinnemanuel.com

John Neukom (Bar No. 275887)

5 johnneukom@quinnemanuel.com

Jordan Jaffe (Bar No. 254886)

6 jordanjaffe@quinnemanuel.com

50 California Street, 22nd Floor

7 San Francisco, California 94111-4788

Telephone: (415) 875-6600

8 Facsimile: (415) 875-6700

9 Attorneys for WAYMO LLC

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

12 WAYMO LLC,

13 Plaintiff,

14 vs.

15 UBER TECHNOLOGIES, INC.;
16 OTTOMOTTO LLC; OTTO TRUCKING
LLC,

17 Defendants.

CASE NO. 3:17-cv-00939-WHA

**PLAINTIFF WAYMO LLC'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL THE DECLARATION OF
PIERRE-YVES DROZ IN RESPONSE TO
THE COURT'S QUESTION REGARDING
WAYMO'S ASSERTED TRADE SECRET
#1 AND EXHIBITS THERETO**

Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff Waymo LLC (“Waymo”) respectfully requests to file under seal confidential information in the Declaration of Pierre-Yves Droz in Response to the Court’s Question Regarding Waymo’s Asserted Trade Secret #1 (“Droz Declaration”) and exhibits thereto, filed concurrently herewith. Specifically, Waymo requests an order granting leave to file under seal the portions of the document as listed below:

Document	Portions to Be Filed Under Seal	Designating Party
Droz Declaration	Entire Document	Waymo
Exhibits J-L to Droz Declaration	Entire Documents	Waymo

I. LEGAL STANDARD

Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.* Both the California Uniform Trade Secrets Act and the Defend Trade Secrets Act provide for maintaining the confidentiality of alleged trade secrets. Cal. Civ. Code § 3426.5 (“In an action under this title, a court shall preserve the secrecy of an alleged trade secret by reasonable means, which may include . . . sealing the records of the action[.]”); 18 U.S.C. § 1835(a) (“[T]he court shall enter such orders and take such other action as may be necessary and appropriate to preserve the confidentiality of trade secrets[.]”).

II. THE COURT SHOULD SEAL WAYMO’S CONFIDENTIAL INFORMATION

The Court should seal the Droz Declaration and exhibits thereto, as identified by Waymo in the table above. Waymo seeks to file this information under seal because it discloses Waymo’s trade secrets and confidential business information. *See* Declaration of Lindsay Cooper (“Cooper Decl.”), ¶¶ 3-5. Courts have determined that trade secret information merits sealing. *Music Grp. Macao Commercial Offshore Ltd. v. Foote*, No. 14-cv-03078, 2015 WL 3993147, at *1 (N.D. Cal. June 30, 2015) (quoting *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006)); *see also Brocade Commc’ns Sys., Inc. v. A10 Networks, Inc.*, No. C 10-3428, 2013 WL 211115, at *1, *3 (N.D. Cal. Jan. 17, 2013) (granting request to seal document that “consists entirely of descriptions of

1 Brocade's trade secrets."). Confidential business information that, if released, may "harm a litigant's
 2 competitive standing" also merits sealing. *See Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598-
 3 99 (1978). Waymo seeks to seal confidential business information and trade secret information that fit
 4 squarely within these categories. Cooper Decl. ¶¶ 3-5. Waymo maintains this information as a trade
 5 secret (*see* Dkt. 25-31) and ensures the information remains secret with strict secrecy and security
 6 protocols (*see* Dkt. 25-47; Dkt. 25-49.). *See* Cooper Decl. ¶ 4. Waymo has narrowly tailored its
 7 requests to only information meriting sealing. *Id.* ¶ 5. In fact, both *Music Grp.* and *Brocade* found the
 8 confidential information at issue in those cases met the heightened "compelling reasons" standard for
 9 sealing. *Music Grp.*, 2015 WL 3993147, at *1; *Brocade*, 2013 WL 211115, at *1, *3. The
 10 information that Waymo seeks to seal, therefore, also meets this heightened standard. The disclosure
 11 of Waymo's trade secret and confidential business information would harm Waymo. Cooper Decl.
 12 ¶ 4. Moreover, the scope of information that Waymo is seeking to seal is consistent with other
 13 administrative motions to seal that have already been granted by the Court in this case. (*See* Dkt. 416,
 14 414, 406, 393, 392.) Thus, the Court should grant Waymo's administrative motion to seal.

15 **III. CONCLUSION**

16 In compliance with Civil Local Rule 79-5(d), redacted and unredacted versions of the above
 17 listed documents accompany this Administrative Motion. For the foregoing reasons, Waymo
 18 respectfully requests that the Court grant Waymo's administrative motion to file under seal.
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20 DATED: May 17, 2017

QUINN EMANUEL URQUHART & SULLIVAN,
 21 LLP

22 By /s/ Charles K. Verhoeven

23 Charles K. Verhoeven
 24 Attorneys for WAYMO LLC
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